

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION

OPIATE LITIGATION

This document relates to:

Track One Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF SEAN MORRIS IN SUPPORT OF
MANUFACTURER DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT ADJUDICATION THAT DEFENDANTS DID NOT
COMPLY WITH THEIR DUTIES UNDER THE FEDERAL
CONTROLLED SUBSTANCES ACT TO REPORT SUSPICIOUS
OPIOID ORDERS AND NOT SHIP THEM**

July 30, 2019

I, Sean Morris, declare as follows:

1. I am an attorney admitted to practice law in the states of California and New York. I am a partner in the law firm of Arnold & Porter Kaye Scholer LLP and counsel for defendants Endo Pharmaceuticals Inc. and Endo Health Solutions Inc. (together “Endo”) and Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (together “Par”) in the above-captioned action. I have personal knowledge of the facts stated in this declaration, and if called as a witness, I could and would testify competently thereto.

2. In support of Endo’s and the Par’s opposition to Plaintiffs’ Motion For Partial Summary Adjudication That Defendants Did Not Comply With Their Duties Under the Federal CSA to Report Suspicious Opioid Orders and Not Ship Them, Endo and Par provide the following documents and evidence.

3. Attached hereto as Ex. 64 is a true and correct copy of a Chart regarding Endo Safeguards to Prevent Opioid Diversion (ENDO-OPIOID_MDL-05967491).

4. Attached hereto as Ex. 65 is a true and correct copy of a May 20, 2004 Powerpoint Presentation Entitled “Modified-Release Opioid Risk Management Program: Safety Overview” (ENDO-OPIOID_MDL-05967825).

5. Attached hereto as Ex. 66 is a true and correct copy of Meeting Notes from a Sept. 30, 2003 meeting between Endo Pharmaceuticals and the Drug Enforcement Administration (ENDO-OPIOID_MDL-01692323).

6. Attached hereto as Ex. 67 is a true and correct copy of a July 17, 2006 Email Chain between David Kerr and Heather Mullen, Re: Graphic for Diversion Control (ENDO-OPIOID_MDL-00852926).

7. Attached hereto as Ex. 68 is a true and correct copy of Endo Pharmaceuticals Inc.’s June 2007 Risk Minimization Plan for Opana ER Extended-Release Tablets (ENDO-OPIOID_MDL-00299957).

8. Attached hereto as Ex. 69 is a true and correct copy of a 2014 SOMs - Process Flow Chart (ENDO-OPIOID_MDL-05948042).

9. Attached hereto as Ex. 70 is a true and correct copy of a Sept. 2008 Email Chain between John Schultz and Mike Erwin, Re: DEA Visit Notes (PAR_OPIOID_MDL_0000399716).

10. Attached hereto as Ex. 71 is a true and correct copy of an Oct. 30, 2008 Letter from FMJ Urwin (Qualitest) to Joseph Rannazzisi (DEA) (PAR_OPIOID_MDL_0000398657).

11. Attached hereto as Ex. 72 is a true and correct copy of a May 30, 2013 Customer Services Agreement, Statement of Work No. 2, between Qualitest and BuzzeoPDMA (PAR_OPIOID_MDL_0002016128).

12. Attached hereto as Ex. 73 is a true and correct copy of SOM Improvement Program Notes, dated June 25, 2013 (PAR_OPIOID_MDL_0000372491).

13. Attached hereto as Ex. 74 is a true and correct copy of an Aug. 27, 2013 Letter from Tracey Hernandez (Qualitest) to Cathy Gallagher (DEA) (PAR_OPIOID_MDL_0001596543).

14. Attached hereto as Ex. 75 is a true and correct copy of Qualitest's Standard Operating Procedure regarding New Account Approval and Existing Account Review, dated Dec. 23, 2013 (PAR_OPIOID_MDL_0000097389).

15. Attached hereto as Ex. 76 is a true and correct copy of Qualitest's Standard Operating Procedure regarding Customer Due Diligence Visits, dated Dec. 23, 2013 (PAR_OPIOID_MDL_0000097381).

16. Attached hereto as Ex. 77 is a true and correct copy of Qualitest's Standard Operating Procedure regarding Cage/Vault Suspicious Order Monitoring, dated Dec. 23, 2013 (PAR_OPIOID_MDL_0000097379).

17. Attached hereto as Ex. 78 is a true and correct copy of Notes from an Oct. 17, 2013 Meeting between Qualitest and the DEA, entitled DEA Compliance Trip Report - 10/17/13 (PAR_OPIOID_MDL_0001630566).

18. Attached hereto as Ex. 79 is a true and correct copy of Ex. A. to Par's Supplemental Objections/Responses to Plaintiffs' Interrogatory No. 33, dated Mar. 4, 2019.

19. Attached hereto as Ex. 80 is a true and correct copy of Par Pharmaceutical Inc.'s Standard Operating Procedure regarding Suspicious Order Monitoring, dated Oct. 2012. (PAR_OPIOID_MDL_0001410508)

20. Attached hereto as Ex. 81 is a true and correct copy of a Mar. 2016 Email Chain between Par Pharmaceutical and Ernst & Young regarding Cedegim for all Par Orders - SOM (PAR_OPIOID_MDL_0001596366).

21. Attached hereto as Ex. 82 is a true and correct copy of a 2010 Audit Report for a limited DEA type compliance review conducted by BuzzeoPDMA of Par Pharmaceutical's Spring Valley facility (PAR_OPIOID_MDL_0001053153).

22. Attached hereto as Ex. 83 is a true and correct copy of a 2015 Audit Report for a controlled substance regulatory review conducted by DEA Consulting and BuzzeoPDMA of Par Pharmaceutical's Spring Valley facility (PAR_OPIOID_MDL_0001024034).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 30, 2019, at Los Angeles, California.

/s/Sean Morris
Sean Morris